S.B. CIVIL WRIT PETITION NO. 7009/2005.

(ABDUL HAFIZ & ANR. VS. BOARD OF REVENUE & ORS.)

DATE OF ORDER : 27.09.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Sunil Beniwal for the petitioner.

By this petition for writ, a challenge is given to the order dated 27.10.2005 passed by the Board of Revenue in revision/TA/310/2000/Nagaur (ID No.6183/2000) affirming the order dated 05.12.2000 passed by the trial court. By the order impugned, while affirming the order passed by the trial court, learned Board of Revenue held that whether the court is having jurisdiction or not in the instant matter is a mixed question of fact and law, therefore, that can be decided only after recording the evidence. No error is committed by the court below while holding so as by simple reading of the plaint it does not reveal that the court was lacking jurisdiction.

I do not find any error in the order impugned that may warrant interference of this Court under Article 227 of the Constitution of India.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR)J.

Anil/